

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1197 of 2024

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

Balli Kumar @ Balliya Son Of Shatrudhna Prasad @ Shatrudhan Prasad @
Chotu Bind R/O-Sarbhabad Colony, Beldari Tola, P.S.-ALAMGANJ, Distt.-
PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Wife Of Late Jaggu Chaudhary R/O-Gud Ki Mandi, P.S.-
Alamganj, Distt.-patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 05-07-2024 Heard Ld. counsel for the Appellant and Ld. Special
Public Prosecutor for the State.

2. The present Appeal has been filed to enlarge the Appellant on bail, impugning the order dated 22.01.2024, passed by Ld. Exclusive Special Judge SC/ST Act, Patna, in connection with Special Case No. 236 of 2021 arising out of Alamganj P.S. Case No. 534 of 2021, dated 20.08.2021 registered for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act, 1959 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail has been denied to the Appellant.



3. As per the allegation, the Appellant along with other co-accused persons has committed murder of the husband of the informant, on account of enmity.

4. Ld. Counsel for the Appellant submits that the Appellant is innocent and has falsely been implicated in this case. He further submits that the Appellant has preferred bail petition before Ld. Trial Court, however, *vide* order dated 22.01.2024, the bail petition of the Appellant has been dismissed. He further submits that earlier the Appellant had preferred bail petition before this Court *vide* Cr. Appeal (SJ) No. 3098 of 2022, which was rejected by the order dated 04.01.2023 with an observation that if the trial is not concluded within one year, the Appellant would be at liberty to renew his prayer for bail. He further submits that since the trial has not been concluded in the stipulated time, the Appellant, *vide* present Appeal, has renewed his prayer for bail. He also submits that similarly situated co-accused person has already been enlarged on bail by a co-ordinate bench of this Court *vide* order dated 25.08.2022 passed in Cr. Appeal (SJ) No. 4953 of 2021.

5. In support of his petition, he has filed a copy of the order-sheet dated 22.01.2024 of the Trial Court which shows that the trial is still going on.



6. It has also been stated in para-15 of the bail petitioner that the appellant is in custody since 26.10.2021.

7. However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the Appellant for bail.

8. Considering the aforesaid facts and circumstances and particularly the fact that the trial has not been concluded within the stipulated time, the appeal is allowed, setting aside the impugned order dated 22.01.2024, passed by Ld. Exclusive Special Judge SC/ST Act, Patna, in connection with Special Case No. 236 of 2021 arising out of Alamganj P.S. Case No. 534 of 2021 and directing the Appellant to be released on bail on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge SC/ST Act, Patna, on the following conditions:

(i) The Appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The Appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The Appellant shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the Appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the Appellant.

shoaib/S.Ali

(Jitendra Kumar, J)

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